



City of Richmond

Report to Committee

To: General Purposes Committee

Date: January 4, 2010

From: W. Glenn McLaughlin
Chief Licence Inspector

File: 12-8275-30-001/2009-
Vol 01

Re: **Temporary Request for Extended Hours of Service for Liquor Primary Licence – Lansdowne Lumber Marketing Ltd., doing business as JP Malones Neighbourhood Pub**

Staff Recommendation

That the City provide an “objection” comment to LCLB on the Temporary Change to a Liquor Licence from JP Malones Neighbourhood Pub.

W. Glenn McLaughlin
Chief Licence Inspector
(604-276-4136)

FOR ORIGINATING DEPARTMENT USE ONLY		
CONCURRENCE OF GENERAL MANAGER		
REVIEWED BY TAG	YES	NO
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REVIEWED BY CAO	YES	NO
DEPUTY	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Staff Report

Origin

Liquor Control and Licensing Branch (LCLB) requires Local Government comment on requests for temporary amendments to existing Liquor Licenses.

On November 9, 2009, Council delegated authority to the Chief Licence Inspector to provide comment to LCLB on temporary changes to *food primary* liquor licence applications over the Olympic and Paralympic Games period.

This report deals with an application received by the City on December 18, 2009, for Local Government comment to LCLB for a temporary extension on the hours of liquor service under a *liquor primary* licence from Lansdowne Lumber Marketing Ltd. doing business as **JP Malones Neighbourhood Pub**, from premises located at 9031 Blundell Road.

The application request is for the period January 1, 2010 to March 31, 2010, to extend the hours of liquor service

from 10:00 a.m. to midnight Monday to Thursday and 11:00 a.m. to 1:00 a.m.
Friday to Sunday

to 9:00 a.m. to 2:00 a.m. Monday to Sunday.

Analysis

Temporary amendments to Liquor Licenses are dealt with under Council Policy 9308, Temporary Changes to Liquor Licenses – Short Term Requests by Licence Holders, which under Section 3 states, “that all applications that are greater than 3 consecutive days will have their application presented to Council for comment.” Notwithstanding staffs temporary authority to comment on *food primary* licences over the Olympic and Paralympic games period, the application being considered is a *liquor primary* establishment for a period longer than 3 days calling for Council comment.

Public notification is not required when Local Government provides comment to *temporary* changes to liquor hours on an applicants LCLB application form. This applicant’s application is appended as Attachment 1. In providing comment, local government considers the noise, traffic and impact on the community associated to the additional hours.

On December 14, 2009 Council adopted on consent a “no objection comment to LCLB” on the temporary increase of hours to liquor service on two liquor primary licence holders located at YVR and for the Vancouver Airport Hilton on Minoru Boulevard with the Hilton’s extension of hours limited from February 8, 2010 to February 28, 2010. Staff note that Hilton’s licence is for a hotel lounge in the Downtown Commercial district.

In processing this application, staff is guided by Council Policy 9302 that restricts the hours of operations for Neighbourhood Pubs on weekdays to 12:00 midnight and to 1 a.m. on Friday and Saturday nights.

The applicants' establishment is a Pub and Sales zoned parcel offering a Neighbourhood Pub surrounded by a predominantly residential neighbourhood albeit across the street from the shopping complex at Garden City Road and Blundell Road.

The activities of the Pub during the extended hours could be expected to create additional noise impacting hundreds of residential dwellings within 100 meters of the applicants' establishment as well as extending traffic activity into later hours, both of which would disturb the quiet enjoyment of the residents.


Given the proximity of the establishment to a large number of residential dwellings, staff recommend that Council provide an "objection" comment to LCLB as the request for the temporary change would have a negative impact on the community.

Financial Impact

None

Conclusion

Objecting to the temporary extension for the hours of liquor service at the applicants' establishment is consistent with Council Policy dealing with the hours of operations of neighbourhood pubs.



W. Glenn McLaughlin
Chief Licence Inspector
(604-276-4136)

WGM:wgm

DEC 18 2009

Attachment 1



Ministry of Housing and Social Development

RECEIVED Temporary Change to a Liquor Licence Food-Primary, Liquor-Primary, Liquor-Primary Clubs & Winery Endorsements Liquor Control and Licensing Form LCLB 023

INSTRUCTIONS:

Complete all applicable fields and then submit with payment as outlined in Part 11 of this application form. You may complete this form online and then print.

- If you have any questions about this application, call the Liquor Control and Licensing Branch (LCLB) toll-free at: 1 866 209-2111. LCLB forms and supporting materials referred to in this document can be found at: www.hsd.gov.bc.ca/lclb

NOTE: This application should be submitted at least two weeks before your proposed change. To apply to suspend your Food-Primary Licence, use the Temporary Suspension Request - Food-Primary Licence (LCLB022). To apply to suspend your Liquor-Primary Licence, use the Temporary Suspension Request - Liquor-Primary Licence (LCLB021).

Licensee Information

Office use only Job No. (C3-LIC)

Licence number: 033298 Type: [] Food-Primary [x] Liquor-Primary [] Liquor-Primary Club [] Winery

Licencee name (as shown on licence): SPINALONES NEIGHBOURHOOD PUB

Establishment name (as shown on licence): Lansdowne LSC MKT LTD

Establishment Address: 9031 BLUNDEL Rd RICHMOND BC V6Y 1K4

Contact Name: JOHN GREWAL Title/Position: OWNER / MANAGER

Business Tel with area code: 604 270 8805 Business Fax with area code: 604-270 1669

Business e-mail:

Business Mail address (if different from above): Same as above

PART 1: Temporary Change Requested

Please check the appropriate boxes below. You may complete more than one change section on this form as long as the changes are for the same licence number. IMPORTANT NOTE: These categories (*) require local government/First Nations comment.

Table with columns: TYPE OF CHANGE REQUESTED, COMPLETE SECTIONS. Includes categories like TEMPORARY CHANGE TO HOURS OF SALE, TEMPORARY PATRON PARTICIPATION ENTERTAINMENT ENDORSEMENT, etc.

PART 2: Reason Temporary Change is Requested

Describe event details including who is holding the event, the hours of the event and its purpose:

DUE TO 2010 OLYMPICS AND GAMES
 AS WE ARE A HOST HOME WITH MOLSONS & COCA COLA BEV
 Promoting games & events parties etc we are APPLYING
 FOR temporary ext. of Hours THANK YOU

DATE(S) FROM: (mm/dd/yy) JAN 1 2010 TO: (mm/dd/yy) MARCH 31 2010 (Inclusive)

PART 3: Temporary Change to Hours of Sale

- Liquor-Primary and Liquor-Primary Club licences, and Winery lounge or special event endorsements - any hours changes* Fee: \$330
- Food-Primary licences - requests for hours of sale later than midnight* Fee: \$330
- Food-Primary licences - requests for hours of sale before midnight (local government/First Nations comment not required) Fee: \$110

IMPORTANT NOTE: These categories () require local government/First Nations comment.

Licensees may apply for a temporary change in hours of sale for a limited period, subject to any restrictions within the Liquor Control and Licensing Act, Regulations, branch policies and/or original terms and conditions of licensing. See Part 12 for more information on obtaining local government/First Nations comment.

Please provide the following information:

Current hours of sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	10 AM	10 AM	10 AM	10 AM	11 AM	11 AM	11 AM
CLOSED	MIDNIGHT	MIDNIGHT	MIDNIGHT	MIDNIGHT	1 AM	1 AM	1 AM

Requested hours of sale: (Maximum hours permitted by regulation are between 9:00 am to 4:00 am of the same business day)

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	9 AM	9 AM	9 AM	9 AM	9 AM	9 AM	9 AM
CLOSED	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM

PART 4: Temporary Patron Participation Entertainment Endorsement**Fee: \$330**

(Food-Primary licences only)

Licensees may apply for a patron participation entertainment endorsement for a limited period, subject to any restrictions within the Liquor Control and Licensing Act, Regulations, branch policies and/or original terms and conditions of licensing.

Important Note: This application process requires comment from your local government /First Nations. See Part 12 for more information on this process.

Describe the type of entertainment you are requesting:

Patron participation must end by midnight unless approved by LCLB and local government/First Nations. There are restrictions related to forms of entertainment, sound systems, etc. If you are uncertain about any of the details of your proposal, please consult with licensing staff at LCLB in Victoria (see contact information in Part 11).

PART 5: Temporary Extension of Licensed Area (food-primary licences only)**Fee: \$110**

This change enables licensees to apply for a temporary extension of their establishment's licensed areas for a limited period, subject to any restrictions within the Liquor Control and Licensing Act, Regulations, branch policies and/or original terms and conditions of licensing. Approval of this temporary change request permits the licensee to operate only at the capacity on the face of their current licence plus the capacity of the extension area. If in doubt, consult with licensing staff at LCLB in Victoria (see Part 11 for contact info). **This application process does not require comment from local government or First Nations.**

Please provide the following information and documents:

- Current total capacity, including patios (as shown on licence);
- Identify the area (person/patron as shown on licence) to be extended;
- Floor plan of the extended area showing how perimeter is defined, dimensions and its physical relationship to existing licensed areas, where the extension is indoors or within a permanent structure.
 - Floor plan must have occupant load of the extended area marked/stamped on the plans by provincial fire or building authority (or designate).
 - Provide proposed capacity of extended area if extension is outside; and
- Where the extension area is not on property owned or controlled by the licensee, provide written approval for such use from the property owner.

PART 6: Temporary Extension of Licensed Area

(liquor-primary, liquor-primary club licence and winery lounge and special events endorsements only)

Fee: \$330

Licensees may apply for a temporary extension of their licensed areas for a limited period, subject to any restrictions within the Liquor Control and Licensing Act, Regulations, branch policies and/or original terms and conditions of licensing. Approval of this temporary change request permits the licensee to operate at the capacity on the face of their current licence plus the capacity of the extension area.

Important Note: This application process requires comment from your local government /First Nations. See Part 12 for more information on this process.

Please provide the following information and documents:

- Current total capacity, including patios (as shown on licence); *160 PATRONS*
- Identify the area(s) to be extended; *whole BAR*
- Floor plan of the extended area(s) showing how perimeter is defined, dimensions and its physical relationship to existing licensed areas;
 - Floor plan must have occupant load of the extended area marked/stamped on the plans by provincial fire or building authority (or designate) where the extension is indoors or within a permanent structure.
 - Provide proposed person capacity of extended area(s) if extension is outside; and
- Where the proposed area is not on property owned or controlled by the licensee, provide written approval for such use from the property owner.

PART 7: Temporary Location Change (liquor-primary and liquor-primary club licences only)**Fee: \$330***(no increase in patron or person capacity)*

Licenses may apply for a temporary change of location of one or more licensed areas in their establishment, to accommodate special events but this change permits no increase in licensed capacity. Proposed changes must comply with occupant load limitations.

Important Note: This application process requires comment from your local government /First Nations.
See Part 12 for more information on this process.

Current area capacities, as shown on licence:

Area #1	Area #2	Area #3	Area #4	Patio #1	Patio #2
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Proposed temporary changes in capacity (no increase in total capacity permitted):

Area #1	Area #2	Area #3	Area #4	Patio #1	Patio #2
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Please attach the following documents:

- Floor plan of the proposed area(s) showing how perimeter is defined, dimensions and its physical relationship to existing licensed areas.
 - Floor plan must have occupant load marked/stamped on the plans by provincial fire or building authority (or designate), where the extension is indoors or within a permanent structure.
 - Provide proposed capacity of the new area if outdoors.
- Where the proposed area is not on property owned or controlled by the licensee, provide written approval for such use from the property owner.

PART 8: Temporary Location Change (food-primary licences only)**Fee: \$110***(no increase in patron or person capacity)*

Licenses may apply for a temporary change of location of one or more licensed areas in their establishment, to accommodate special events but this change permits no increase in licensed capacity. Proposed changes must comply with occupant load limitations.

Important Note: This application process requires comment from your local government /First Nations.
See Part 12 for more information on this process.

Current area capacities, as shown on licence:

Area #1	Area #2	Area #3	Area #4	Interior lounge	Patio #1	Patio #2
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Proposed temporary changes in capacity (no increase in total capacity permitted):

Area #1	Area #2	Area #3	Area #4	Interior lounge	Patio #1	Patio #2
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Please attach the following documents:

- Floor plan of the proposed area showing how perimeter is defined, dimensions and its physical relationship to existing licensed areas.
 - Floor plan must have occupant load marked/stamped on the plans by provincial building or fire authority (or designate), where the extension is indoors or within a permanent structure.
 - Provide proposed capacity of the new area if outdoors.
- Where the proposed area is not on property owned or controlled by the licensee, provide written approval for such use from the property owner.

PART 9: Other

Fee: \$110 for each request

Complete this section if you are requesting a change other than those listed in Part 1, page 1.

Describe your request in detail, using additional pages if required. Review of the application by the general manager of the Liquor Control and Licensing Branch will be necessary when discretion to policy is required. Please note: Applications requesting discretion should be received two months prior to the proposed event. Please consult with licensing staff at LCLB in Victoria for further details (see Part 11 for contact information).

DATE(S) FROM: [] TO: [] (inclusive) TIME(S): []
(mm/dd/yy) (mm/dd/yy)

PART 10: Declaration

My signature (the licensee's) below indicates I understand and acknowledge:

All of the information given is true and complete to the best of my knowledge. Section 15(2) of the Liquor Control and Licensing Act states, "A person applying for the issue, renewal, transfer or amendment of a licence who fails to disclose a material fact required by the form of application or makes a false or misleading statement in the form of application, commits an offence".

Signature of applicants (signature of signing officer of a company or society, sole proprietor or all partners in a partnership. An agent or lawyer acting on behalf of the applicant may not sign the application on behalf of the applicants.):

Name: JOHN D. GREWAL Position: OWNER / MANAGER Date: Dec 18/09
(last / first / middle) (mm/dd/yy)

Signature: 

Name: [] Position: [] Date: []
(last / first / middle) (mm/dd/yy)

Signature: _____

Name: [] Position: [] Date: []
(last / first / middle) (mm/dd/yy)

Signature: _____

Name: [] Position: [] Date: []
(last / first / middle) (mm/dd/yy)

Signature: _____

PART 13: What Happens Next?

The temporary change application process:

1. If the requested temporary change(s) require local government/First Nation comment, the applicant must take the completed application form and all required documents to their local government/First Nation and request that the local government/First Nation complete and sign Part 12.
- X 2. The applicant will submit the signed application, all required documents and application fee to the Victoria Head Office (LCLB). **Note: Applicants should ensure they submit their completed application two weeks before the proposed change.**
3. The LCLB licensing staff will review the application package and advise the applicant by phone, mail or fax, of any information or documents required before the application can be processed.
4. LCLB licensing staff will request comments from the local liquor inspector.
5. If required, the local liquor inspector will work with the applicant on security and related issues.
6. LCLB licensing staff will review the comments from the local government/First Nation (if applicable) and local liquor inspector.
7. LCLB staff will contact the applicant by, fax or mail to let them know whether or not the change has been approved. The applicant will receive LCLB's decision in writing.

Freedom of Information and Privacy Act - The information requested on this form is collected for the purpose of obtaining or making changes to a liquor licence application. All personal information is collected under the authority of Section 15 of the Liquor Control and Licensing Act (RSBC 1996, c.267). Questions should be directed to: Liquor Control and Licensing Branch, Freedom of Information Officer, PO Box 9292, STN PROV GOVT, Victoria, BC V8W 9J8. Ph: In Victoria, 250 387-1264 Outside Victoria, 1866 209-2111. Fax: 250 387-9184